

CITY OF ENGLEWOOD

**NOTICE OF APPROVAL
OF A BILL FOR AN ORDINANCE**

On the 2nd day of April, 2018, the City Council of the City of Englewood, Colorado, approved on first reading the following Council Bill:

**BY AUTHORITY
COUNCIL BILL NO. 10
INTRODUCED BY
COUNCIL MEMBER OLSON**

A BILL FOR AN ORDINANCE
AMENDING TITLE 16, CHAPTER 4,
SECTION 2 OF THE ENGLEWOOD
MUNICIPAL CODE 2000, REGARDING
UPDATES TO THE JURISDICTION
AND APPLICABILITY OF THE
FLOODPLAIN REGULATIONS OF THE
CITY OF ENGLEWOOD, COLORADO.

Copies of the aforesaid council bill are available for public inspection in the office of the City Clerk, City of Englewood, Civic Center, 1000 Englewood Parkway, Englewood, Colorado 80110 or it can be found at <http://www.englewoodco.gov>, Government, Legal/Public Notices.

Published: April 4, 2018
Official Website of the
City of Englewood, Colorado



COUNCIL COMMUNICATION

TO:	Mayor and Council
FROM:	Paul Weller
DEPARTMENT:	Public Works
DATE:	April 2, 2018
SUBJECT:	CB 10 - Revisions to Floodplain Regulations

DESCRIPTION:

CB 10 - Revisions to Floodplain Regulations

RECOMMENDATION:

Staff recommends approval of Council Bill 10 that revises the Englewood Municipal Code Chapter 16, Section 4, paragraph 2 Jurisdiction and Applicability.

PREVIOUS COUNCIL ACTION:

Council passed a resolution acknowledging the submission of the Harvard Gulch and Dry Gulch Flood Hazard Area Delineation Report to the Colorado Water Conservation Board on January 16, 2018.

SUMMARY:

Sub-paragraph A1 is to be modified to reflect the new effective date on all Flood Insurance Rate Maps (FIRM) based on revisions to floodplain mapping for Coon Creek, Dutch Creek and Coal Creek on FIRM panels 08005CO431L and 08005CO432L. None of the revised mapping took place within the City of Englewood, and all of the floodplains within the City of Englewood as shown on the FIRM from December 17, 2010 are unchanged.

Sub-paragraph A3 is to be added to include the Flood Hazard Area Delineation for Harvard Gulch and Dry Gulch. This is being added to meet the expectations of the Colorado Water Conservation Board and the Urban Drainage and Flood Control District and their acceptance of the Dry Gulch Floodplain.

ANALYSIS:

The attachment dated January 3, 2018 is an official notice from FEMA regarding the new effective date of FIRM panels 08005CO431L and 08005CO432L. Revisions to the flood insurance mapping of Coon Creek, Coal Creek and Dutch Creek were made to these panels. These revisions do not affect any defined floodplain within the City of Englewood. The revision to the municipal code is to only recognize the new effective date of these panels.

The attachment dated October 18, 2017 is a preliminary notice regarding the changes to these panels and it includes a message from Terri Fead from the Urban Drainage and Flood Control District confirming that no changes are made to floodplains with the City of Englewood with this revision.

The addition of Sub-paragraph A3 incorporates the defined floodplain for Dry Gulch into Englewood Municipal Code for regulatory purposes. The Flood Hazard Area Delineation for Harvard Gulch and Dry Gulch, Dated February, 2017 prepared by Matrix Design Group was accepted by the Colorado Water Conservation board at their regular board meeting on January 23, 2018. The inclusion of this floodplain mapping into the municipal code will keep the City in good standing with the Colorado Water Conservation Board and FEMA.

Dry Gulch will remain a locally controlled floodplain and will not be submitted to FEMA for incorporation into the National Flood Insurance Program without additional public meetings and direction from the Englewood City Council.

The public has been notified three times about the Master Plan and Flood Hazard Area Delineation for Dry Gulch. An open house was held in November of 2015 to review the Master Plan and three alternate plans to reduce the effect of flooding. The clear choice of those attending was the "100 year all pipe" option. A meeting was held in February of 2017 to review the Flood Hazard Area Delineation plan and to discuss the consequences of submitting the plan to FEMA for regulation. A lot of the discussion at this meeting revolved around the mandatory insurance requirements and the insurance rates that would come with FEMA regulation. In November of 2017, a letter was sent to property owners and residents to update them on the status of the floodplain designation. Out of 387 letters sent out two calls and one letter were received. Staff has had one meeting with a home seller and their potential buyer.

FINANCIAL IMPLICATIONS:

As of December 31, 2017, there were 43 flood insurance policies with a total value of \$15,920,800 issued by the NFIP for properties within the City of Englewood. Failure to recognize the new effective date of the FIRM may result in the cancellation of these policies.

Failure to include Dry Gulch into the Floodplain Regulations in the Englewood Municipal Code endangers future funding from the UDFCD for the \$20M storm sewer project for Dry Gulch as well as funding annual maintenance projects, which in 2018 amounts to \$135,000.

CONCLUSION:

Approval of these revisions will meet the expectations of the Urban Drainage and Flood Control District, Colorado Water Conservation Board, FEMA and the National Flood Insurance Program.

ATTACHMENTS:

Council Bill #10

FEMA Letter dated January 3, 2018

FEMA Letter Dated October 18, 2017 with clarification from UDFCD

Proposed Revision to EMC Section 16-4-2 Jurisdiction and Applicability

BY AUTHORITY

ORDINANCE NO. ____
SERIES OF 2018

COUNCIL BILL NO. 10
INTRODUCED BY COUNCIL
MEMBER _____

A BILL FOR

**AN ORDINANCE AMENDING TITLE 16, CHAPTER 4, SECTION 2 OF
THE ENGLEWOOD MUNICIPAL CODE 2000, REGARDING UPDATES
TO THE JURISDICTION AND APPLICABILITY OF THE FLOODPLAIN
REGULATIONS OF THE CITY OF ENGLEWOOD, COLORADO.**

WHEREAS, The legislature of the State has in Title 29, Article 20 C.R.S., as amended, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry by minimizing flood losses;

WHEREAS, The flood hazard areas of the City are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare;

WHEREAS, These flood losses are caused by the cumulative effect of obstructions in special flood hazard areas that cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately anchored, elevated, flood proofed or otherwise protected from flood damage;

WHEREAS, It is the purpose of the adopted Floodplain regulations of the City to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas; and

WHEREAS, The City of Englewood has until April 18, 2018 to adopt and have the Department of Homeland Security's Federal Emergency Management Agency (FEMA) Regional Office approve updated floodplain management measures that satisfy 44 C.F.R. Section 60.3(d) of the National Flood Insurance Program regulations to maintain federal flood insurance for properties within the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
ENGLEWOOD, COLORADO, AS FOLLOWS:**

Section 1. Amendment of Title 16, Chapter 4, Section 2. Title 16, Chapter 4, Section 2 of the Englewood Municipal Code shall be amended as follows:

16-4-2: Jurisdiction and Applicability.

A. *Applicability.* The provisions of this Chapter shall apply to all land within the City defined as:

1. The special flood hazard areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study - Arapahoe County, Colorado, and Incorporated Areas" dated ~~December 17, 2010~~, April 18, 2018 with

accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) and any revisions thereto, and

2. The boundaries of the West Harvard Gulch Flood Hazard Area as shown on Sheets 13 and 14 in a report entitled "Flood Hazard Area Delineation, Harvard Gulch, West Harvard Gulch, and Dry Gulch" dated December 1979, prepared by Gingery Associates, Inc., and approved by the Colorado Water Conservation Board on January 30, 1980.
3. Flood Hazard Area delineated as Harvard Gulch and Dry Gulch prepared by Matrix Design Group in February of 2017, and approved by the Colorado Water Conservation Board on January 23, 2018.

The above Official Flood Studies are hereby adopted by reference and declared to be a part of this Title.

- B. *Basis for Establishing Special Flood Hazard Areas.* The City hereby establishes floodplains and floodways whose boundaries are those of the designated 100-year floodplain, special flood hazard areas and the designated floodways as are shown or tabulated in the Flood Insurance Study for the City of Englewood.
- C. *Compliance.* No structure or land located in a special flood hazard area shall hereafter be constructed, located, extended, converted, altered or have its use changed without full compliance with the terms of this Chapter and all other applicable regulations. These regulations meet the minimum requirements set forth by the Colorado Water Conservation Board and the National Flood Insurance Program.
 1. *Floodplain Development Permit.* A Floodplain Development Permit shall be required prior to commencement of any construction or other development to ensure conformance with the provisions of this Chapter.
 2. *Certificate of Compliance.*
 - a. No vacant land shall be occupied or used and no building shall be hereafter erected, altered, or moved on the floodplains of any watercourse, nor shall such buildings be occupied, until a certificate of compliance has been issued by the Floodplain Administrator.
 - b. The applicant shall submit a certification by a registered Colorado professional engineer to the Floodplain Administrator that the finished fill and building floor elevations, floodproofing measures, or other protection factors were accomplished in compliance with the provisions of this Chapter. This certification shall also state whether or not the structure contains a basement. Within ten (10) days after receipt of such certification from the applicant, the Floodplain Administrator shall issue a certificate of compliance only if the building or premises and the proposed use thereof, conform with all of the requirements of this Chapter.
- D. *Abrogation and Greater Restrictions.* The regulations of this Chapter shall be construed as being supplementary to the regulations imposed on the same lands by the underlying zone classification. This Chapter is not intended to repeal, abrogate, or impair any existing easement, covenants, or deed restrictions. However, where this Chapter and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall apply.
- E. *Interpretation.* In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements, shall be liberally construed in favor of the City, and shall be deemed neither to limit nor repeal any other powers granted under State Statutes.

- F. *Warning and Disclaimer of Liability.* The degree of flood protection intended to be provided by this Chapter is considered reasonable for regulatory purposes and is based on engineering and scientific considerations. Larger floods may occur on occasions, or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris.

This Chapter does not imply that the areas outside of special flood hazard areas or land uses permitted within such areas will always be free from flooding or flood damages. This Chapter shall not create liability on the part of the City or any officer or employee thereof for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder.

- G. *Severability.* See Section 16-1-10 EMC, (Severability).

Section 2. Standard ordinance provisions.

Applicability of Title 1, Chapter 2, Saving Clause. The general provisions of Title 1, Chapter 2, Saving Clause apply to interpretation and application of this Ordinance, including, but not limited to, the provisions regarding severability, inconsistent ordinances or code provisions, effect of repeal or modification, and legislation not affected by repeal.

Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Introduced, read in full, and passed on first reading on the 2nd day of April, 2018.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 4th day of April, 2018.

Published as a Bill for an Ordinance on the City's official website beginning on the 3rd day of April, 2018.

Rita Russell, Mayor Pro Tem

ATTEST:

Stephanie Carlile, City Clerk

I, Stephanie Carlile, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of a Bill for an Ordinance, introduced, read in full, and passed on first reading on the 2nd day of April, 2018.

Stephanie Carlile



FEMA

JAN 03 2018

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Joe Jefferson
Mayor, City of Englewood
1000 Englewood Parkway
Englewood, Colorado 80110

Dear Mayor Jefferson:

I commend you for the efforts that have been put forth in implementing the floodplain management measures for the City of Englewood, Colorado, to participate in the National Flood Insurance Program (NFIP). As you implement these measures, I want to emphasize the following:

- a Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) have been completed for your community;
- the FIS and FIRM will become effective on April 18, 2018; and
- by the FIS and FIRM effective date, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) Regional Office is required to approve the legally enforceable floodplain management measures your community adopts in accordance with Title 44 Code of Federal Regulations Section 60.3(d).

As noted in FEMA's letter dated October 18, 2017, no significant changes have been made to the flood hazard data on the Preliminary and/or revised Preliminary copies of the FIRM for Arapahoe County. Therefore, the City of Englewood should use the Preliminary and/or revised Preliminary copies of the FIRM as the basis for adopting the required floodplain management measures. Final printed copies of the FIRM for the City of Englewood will be sent to you within the next few months.

If you encounter difficulties in enacting the measures, I recommend you contact the Colorado Water Conservation Board. You may contact Stephanie DiBetitto, CFM, the NFIP State Coordinator, by telephone at (303) 866-3441, Extension 3221, in writing at 1313 Sherman Street, Room 721, Denver, Colorado 80203, or by electronic mail at stephanie.dibetitto@state.co.us.

The FEMA Regional staff in Denver, Colorado, is also available to provide technical assistance and guidance in the development of floodplain management measures. The adoption of compliant floodplain management measures will provide protection for the City of Englewood and will ensure its participation in the NFIP. The Regional Office may be contacted by telephone at (303) 235-4800 or in writing. Please send your written inquiries to the Director, Federal Insurance and Mitigation Division, FEMA Region VIII, at the Denver Federal Center, Building 710, Box 25267, Denver, Colorado 80225.

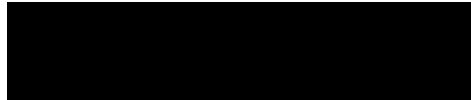
The Honorable Joe Jefferson
JAN 03 2018

Page 2

You may have already contacted the NFIP State Coordinator and/or the FEMA Regional Office, and may be in the final adoption process or recently adopted the appropriate measures. However, in the event your community has not adopted the appropriate measures, this letter is FEMA's official notification that you only have until April 18, 2018, to adopt and/or submit a floodplain management ordinance that meets or exceeds the minimum NFIP requirements, and request approval from the FEMA Regional Office by the effective date. Your community's adopted measures will be reviewed upon receipt and the FEMA Regional Office will notify you when the measures are approved.

I appreciate your cooperation to ensure that your community's floodplain management measures are approved by the FEMA Regional Office by April 18, 2018. Your compliance with these mandatory program requirements will enable your community to avoid suspension from the NFIP.

Sincerely,



Rachel Sears, Director
Floodplain Management Division
Mitigation Directorate | FEMA

cc: Lee dePalo, Regional Administrator, FEMA Region VIII
Stephanie DiBetitto, CFM, NFIP State Coordinator, Colorado Water Conservation Board
Paul Weller, Engineering Manager, City of Englewood



Federal Emergency Management Agency

Washington, D.C. 20472

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
115-N

Dutch Creek,
Coon Creek,
Coal Creek,
No revisions within
Englewood

October 18, 2017

The Honorable Joe Jefferson
Mayor, City of Englewood
1000 Englewood Parkway
Englewood, Colorado 80110

Community: City of Englewood,
Arapahoe County,
Colorado
Community No.: 085074
Map Panels Affected: See FIRM Index

Dear Mayor Jefferson:

On March 10, 2016, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) provided you with Preliminary copies of the revised Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report for Arapahoe County, Colorado and Incorporated Areas for your review and comment. Those Preliminary copies presented revised flood hazard information for your community, but did not present any proposed addition of and/or modification to Base (1-percent annual chance) Flood Elevations, base flood depths, Special Flood Hazard Areas (SFHAs), zone designations, or regulatory floodways. Therefore, no appeal period was required.

Your community was provided with a 30-day review period, and that period has now elapsed. No comments or concerns about the Preliminary copies of the revised FIRM and FIS report were submitted to FEMA; therefore, the revised FIRM panels, as referenced above, will be effective as of April 18, 2018, and revise the FIRM that was in effect prior to that date. For insurance rating purposes, the community number and new suffix code for the FIRM panels being revised are indicated on the panels and must be used for all new policies and renewals.

The modifications are pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Public Law 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, Public Law 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 65. Because of the modifications to the FIRM and FIS report for your community made by this map revision, certain additional requirements must be met under Section 1361 of the 1968 Act, as amended, within 6 months from the date of this letter. Prior to April 18, 2018, your community is required, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to adopt or show evidence of adoption of floodplain management regulations that meet the standard of Paragraph 60.3(d) of the NFIP regulations. These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature.

It must be emphasized that all the standards specified in Paragraph 60.3(d) of the NFIP regulations must be enacted in a legally enforceable document. This includes the adoption of the effective FIRM and FIS report to which the regulations apply and the modifications made by this map revision. Some of the standards should already have been enacted by your community. Any additional requirements can be met by taking one of the following actions:

1. Amending existing regulations to incorporate any additional requirements of Paragraph 60.3(d);
2. Adopting all the standards of Paragraph 60.3(d) into one new, comprehensive set of regulations;
or
3. Showing evidence that regulations have previously been adopted that meet or exceed the minimum requirements of Paragraph 60.3(d).

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the 1973 Act as amended.

A Consultation Coordination Officer (CCO) has been designated to assist your community with any difficulties you may be encountering in enacting the floodplain management regulations. The CCO will be the primary liaison between your community and FEMA. For information about your CCO, please contact:

Ms. Jeanine Petterson
Director, Federal Insurance and Mitigation Division
Federal Emergency Management Agency, Region VIII
Denver Federal Center, Building 710
P.O. Box 25267
Denver, CO 80225-0267
(303) 235-4830

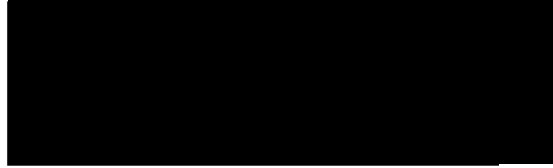
To assist your community in maintaining the FIRM, we reviewed our records to determine if any previous Letters of Map Change (i.e., Letters of Map Amendment, Letters of Map Revision) will be superseded when the revised FIRM panels become effective. According to our records, no Letters of Map Change were issued previously for the affected FIRM panels.

The FIRM panels have been computer-generated. Once the FIRM and FIS report are printed and distributed, the digital files containing the flood hazard data for the entire county can be provided to your community for use in a computer mapping system. These files can be used in conjunction with other thematic data for floodplain management purposes, insurance purchase and rating requirements, and many other planning applications. Copies of the digital files or paper copies of the FIRM panels may be obtained by calling our FEMA Map Information eXchange (FMIX), toll free, at 1-877-FEMA MAP (1-877-336-2627). In addition, your community may be eligible for additional credits under our Community Rating System if you implement your activities using digital mapping files.

If you have any questions regarding the necessary floodplain management measures for your community or the NFIP in general, we urge you to contact the Director, Mitigation Division of FEMA in Denver, Colorado at (303) 235-4830 for assistance. If you have any questions concerning mapping issues in general, please call our FMIX at the toll free number shown above. Additional information and resources your community may find helpful regarding the NFIP and floodplain management, such as *The National Flood Insurance Program Code of Federal Regulations*, *Answers to Questions About the National Flood Insurance Program*, *Use of Flood Insurance Study (FIS) Data As Available Data*, *Frequently Asked Questions Regarding the Effects that Revised Flood Hazards have on Existing Structures*, and *National*

Flood Insurance Program Elevation Certificate and Instructions, can be found on our website at <http://www.floodmaps.fema.gov/lfid>. Paper copies of these documents may also be obtained by calling our FMIX.

Sincerely,



Luis Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration

cc: Community Map Repository
Brook Bell, Planner II and Interim Floodplain Administrator, City of Englewood

Paul Weller

From: Terri Fead <tfead@udfcd.org>
Sent: Tuesday, October 24, 2017 4:49 PM
To: Paul Weller
Cc: Brabenec, Dawn (dawn.brabenec@fema.dhs.gov); Porter, Stephanie; Shea Thomas; Bruce A. Behrer
Subject: Letter of Final Determination for Dutch Creek, Coon Creek, and Coal Creek Physical Map Revision to City of Englewood
Attachments: App_085074_Englewood_City_Colorado_115N.PDF; ProjectScope_Dutch,Coon,CoalCreekPMR.pdf
Importance: High

Hello Paul,

Given the current concerns regarding floodplain mapping within the City of Englewood, I wanted to explain a recent letter that went to your Mayor. The Letter of Final Determination (LFD) for the Dutch Creek, Coon Creek and Coal Creek Physical Map Revision (PMR) was issued on October 18, 2017 (see attached letter). As Floodplain Administrator, I wanted to make sure that you knew about the letter, and that the Dutch Creek, Coon Creek and Coal Creek PMR ***does not result in any revisions within the City of Englewood jurisdiction***. The community received this letter because a Flood Insurance Rate Panel (FIRM) affecting the City of Englewood was impacted, even though the revised study was outside your jurisdiction.

Please let me know if you have questions or require additional information.

Thanks,
Terri

Terri Fead, P.E.

Project Manager | Watershed Services

URBAN DRAINAGE AND FLOOD CONTROL DISTRICT

2480 W. 26TH Ave. Suite 156-B | Denver, CO 80211

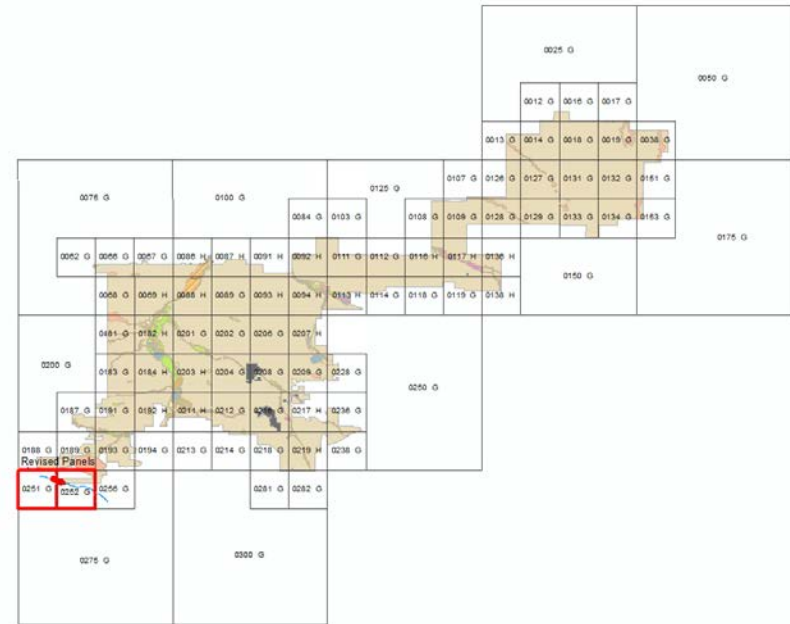
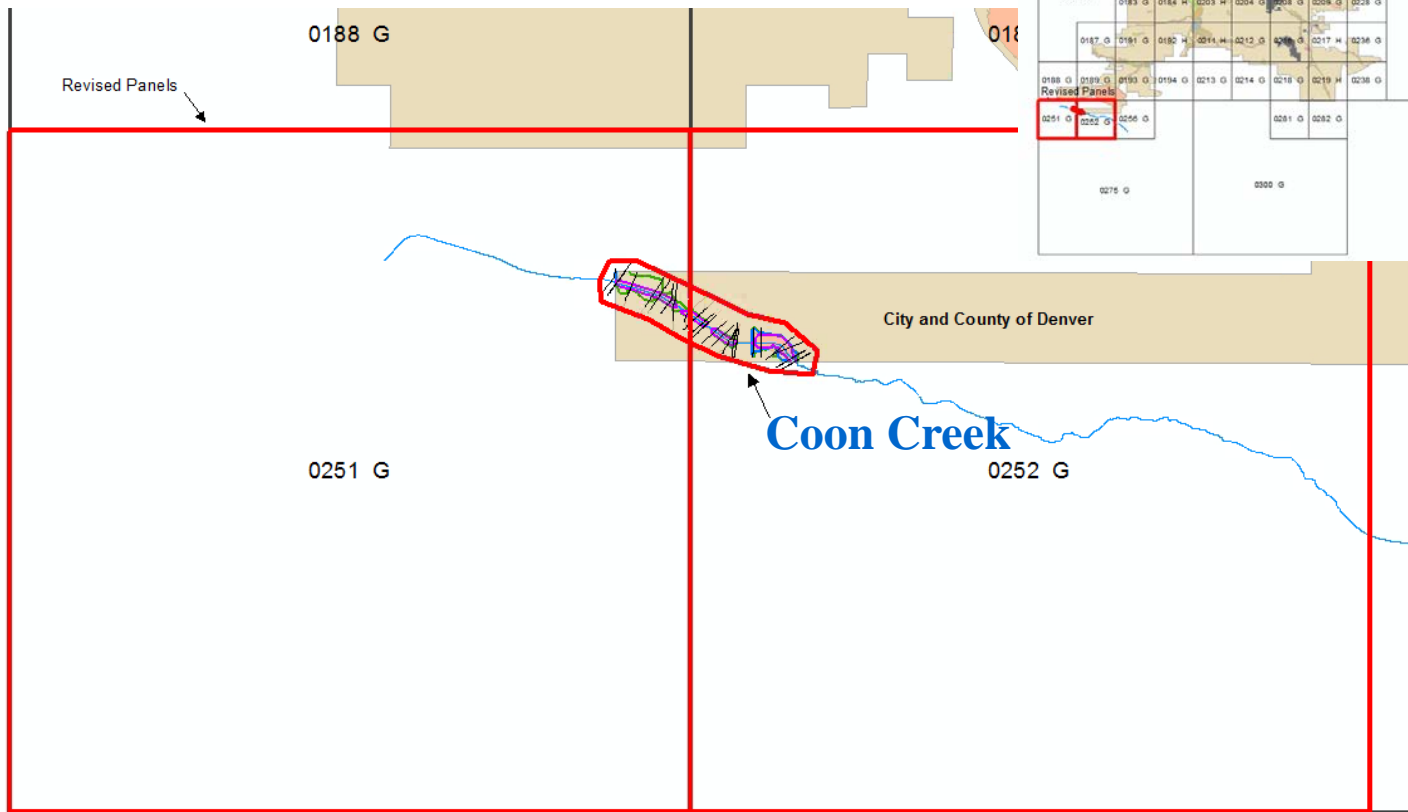
P: 303.455.6277 | www.udfcd.org

Protecting people, property, and the environment

Project Scope

- **City and County of Denver**

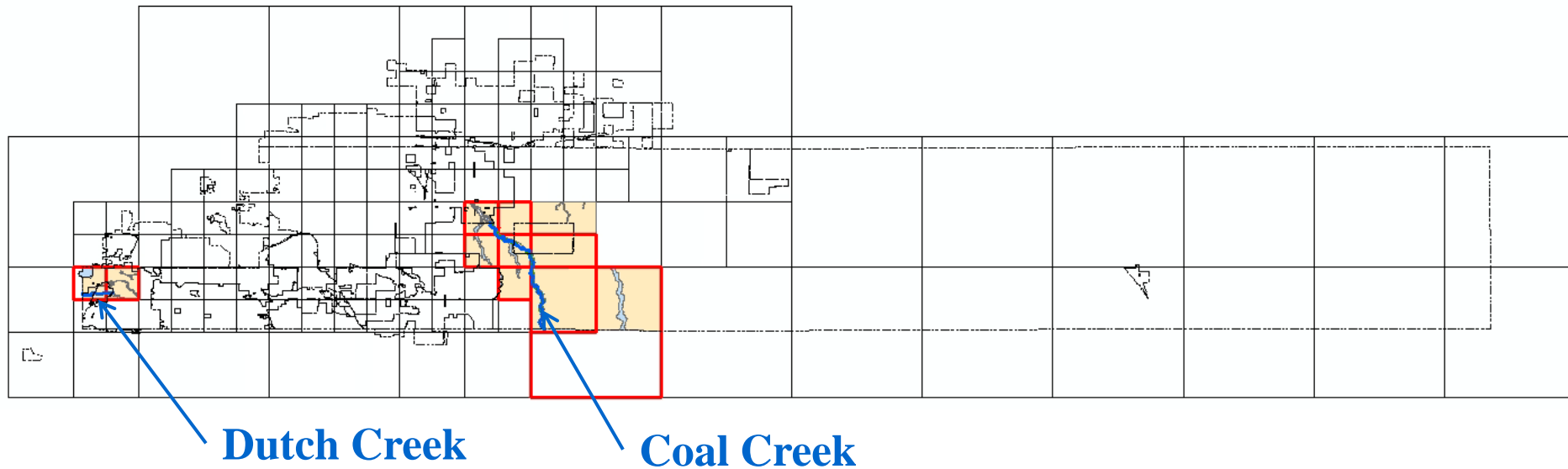
- 2 FIRM panels – 251H and 252H
- 1 Index



Project Scope

- **Arapahoe County**

- 10 FIRM panels – 216L, 217L, 218L, 219L, 240L, 431L, 432L, 507L, 530L, 550L
- 2 Index panels
- Communities affected: Aurora (no revised study), Englewood (no revised study), Littleton, Columbine Valley



16-4-2: - Jurisdiction and Applicability.

A. *Applicability.* The provisions of this Chapter shall apply to all land within the City defined as:

1. The special flood hazard areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study - Arapahoe County, Colorado, and Incorporated Areas" dated ~~December 17, 2010~~, April 18, 2018 with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) and any revisions thereto, and
2. The boundaries of the West Harvard Gulch Flood Hazard Area as shown on Sheets 13 and 14 in a report entitled "Flood Hazard Area Delineation, Harvard Gulch, West Harvard Gulch, and Dry Gulch" dated December 1979, prepared by Gingery Associates, Inc., and approved by the Colorado Water Conservation Board on January 30, 1980.

The above Official Flood Studies are hereby adopted by reference and declared to be a part of this Title.

3. Flood Hazard Area delineated as Harvard Gulch and Dry Gulch prepared by Matrix Design Group in February of 2017, and approved by the Colorado Water Conservation Board on January 23, 2018.

B. *Basis for Establishing Special Flood Hazard Areas.* The City hereby establishes floodplains and floodways whose boundaries are those of the designated 100-year floodplain, special flood hazard areas and the designated floodways as are shown or tabulated in the Flood Insurance Study for the City of Englewood.

C. *Compliance.* No structure or land located in a special flood hazard area shall hereafter be constructed, located, extended, converted, altered or have its use changed without full compliance with the terms of this Chapter and all other applicable regulations. These regulations meet the minimum requirements set forth by the Colorado Water Conservation Board and the National Flood Insurance Program.

1. *Floodplain Development Permit.* A Floodplain Development Permit shall be required prior to commencement of any construction or other development to ensure conformance with the provisions of this Chapter.
2. *Certificate of Compliance.*
 - a. No vacant land shall be occupied or used and no building shall be hereafter erected, altered, or moved on the floodplains of any watercourse, nor shall such buildings be occupied, until a certificate of compliance has been issued by the Floodplain Administrator.
 - b. The applicant shall submit a certification by a registered Colorado professional engineer to the Floodplain Administrator that the finished fill and building floor elevations, floodproofing measures, or other protection factors were accomplished in compliance with the provisions of this Chapter. This certification shall also state whether or not the structure contains a basement. Within ten (10) days after receipt of such certification from the applicant, the Floodplain Administrator shall issue a certificate of compliance only if the building or premises and the proposed use thereof, conform with all of the requirements of this Chapter.

D. *Abrogation and Greater Restrictions.* The regulations of this Chapter shall be construed as being supplementary to the regulations imposed on the same lands by the underlying zone classification. This Chapter is not intended to repeal, abrogate, or impair any existing easement, covenants, or deed restrictions. However, where this Chapter and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall apply.

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- F. *Warning and Disclaimer of Liability.* The degree of flood protection intended to be provided by this Chapter is considered reasonable for regulatory purposes and is based on engineering and scientific considerations. Larger floods may occur on occasions, or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Chapter does not imply that the areas outside of special flood hazard areas or land uses permitted within such areas will always be free from flooding or flood damages. This Chapter shall not create liability on the part of the City or any officer or employee thereof for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder.
- G. *Severability.* See Section 16-1-10 EMC, (Severability).

(Ord. 10-44, § 1; Ord. 8-13, § 6)